

October 1, 1937.

Mr. A. J. Barnes, Superintendent
State Prison,
Florence, Arizona.

Dear Mr. Barnes:

Your request for our opinion as to whether you are permitted by law to keep a sick prisoner committed to your custody, in a hospital outside of the prison when you do not have hospital facilities in the prison to properly take care of such prisoners.

It is our opinion that you are required to provide necessary medicines, medical attention and hospitalization for all prisoners committed to your custody, and if the institution under your charge is not equipped to furnish proper and necessary medical care and hospitalization for a sick prisoner in your custody, you would be authorized to keep such prisoner in a hospital or other suitable place outside of the prison, until the prisoner has sufficiently recovered to permit removal to the prison. Provided if it is necessary to do so to protect the prisoner from death or serious injury to health.

The prisoner would be in your custody during hospitalization and you would be responsible for the prisoner's safekeeping and return to the prison upon recovery.

Very truly yours,

JOE CONWAY,
Attorney General.

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ARIZONA ATTORNEY GENERAL

EARL ANDERSON,
Assistant Attorney
General.